C.R.S. IX-5]

✓

Previous reference

192/.

(Mwz)

File No. 372

Serial Nos.

1

Later references.

366

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for March 22

SUBJECT

Conversion of Devadaya Inam land into Paudaram land

DC. Bangalore, Nom: Dr. Inam Supdt
Mwz Supdt
No 1, 373-6 d/ 4:3.22

Passing orders re

Printed on the Multigraph.

CKW

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 372-21.

FILE HEADING.

Conversion of Devadaya Inam land into Kandayam land.

From

The Deputy Commissioner - Bangalore Distt

No. P 1400 Dated 24.12.21. Received

Diary No.	Enclos.	Spare Copies.	Serial No.
2125			1

BRIEF ABSTRACT OF LETTER

Stating that S. No. 134 endowed to Budan-Sha-Makkan at Hoskote now in the enjoyment of an outsider may be removed from Devadaya Inam tenure and converted into a Kandayam land.

NOTES AND ORDERS.

Paper under disposal.

The Deputy Commissioner, Bangalore District reports that land Survey No. 134 (garden) measuring 2 acres - 20 guntas, assessed at Rs 12 is a Devadaya inam land endowed to Budan-Sha-Makkan at Hoskote - As/

NOTES—First Sheet.

GPB—30,000—12 8 11

General and Revenue Secretariat.

File No. 372 of 1921.

Serial No.

Khalsat Register received from the Sunkey Department, but the land is in the enjoyment of one K. Syed Ahmad, quite a Stranger - rendering no Service and giving nothing for the benefit of the ~~Temple~~ Makkan.

2) From Syed Ahmad's Version it is learnt that he purchased the land from his paternal uncle's daughter for a Consideration of Rs 200 in the name of his eldest Son but that as he has since dead, he has applied for the Change of Khata to his name How the land came to the possession of his paternal uncle is not known, but the Deputy Comr. recommends that Considering the long enjoyment of the land by the family, it may be leased out permanently to the present holder on payment of the Kandayam to the Makkan.

Such Conversion of Devadaya into Kandayam land requires Sanction of Govt.

Submitted for orders

Note—Contn. Sheet.

9.1.22

R. S. III-2]

General and Revenue Secretariat. | File No. 372 of 1921

Serial No.	
	Dated 7.2.22
2	To The Inam Superintendent in Mysore No: 3881 & 25th June 22 — Calls for an extract from the Inam Register pertaining to the grant of S. No. 134 of Hoskote to Burhan Shah Makan
Ans	From the Inam Supt. in Mysore Letter no 143 D/ 8-2-1922. — Forwards a copy of the Inam register pertaining to the inam land endowed to Burhan Shah Makan at Hoskote.
(Govt. Inam Register) A	The Burhan Shah makan at Hoskote is a muzrai institution endowed with Dry S. no. 316 measuring 5-21 and assessed at Rs 9/- (Corresponding to old Dry Nos. 414 and 419), and the inam register now received pertains to this land. There is no information as to who manages the makan and enjoys its inam, what income the land fetches, and whether any services (Pooja, Anna dhe) are being conducted. Therein. the Dy. Com- missioner's Note: This is a Muzrai
x B	The present
29 E.	

NOTE—Contn sheet.

G R. S. III-2]

General and Revenue Secretariat. | File No. 392 of 19 21

Serial No.

C (extract from Khalsat register).

With reference to S. no. 134 measuring 2-20 and assessed at Rs 12½, which is a kadaiyat land (mango tope). It is mentioned in the remarks that This is a kalsat land belonging to the makan-

E

In his petition to the Dy. Commr. Dt 24-1-1919, Sir Khazi - Syed Ahamed states that Subsequent to the "Parikhat" between his father and his uncle Khazi Sahab Ali's wife, this land was sold in the year 1897 to his son Syed Habibulla for Rs 200/ by his uncle's daughter, and that his son is since dead, and prays that the Patta may be made out in his name. The Parikhat and the Sale deed have not been received and it is not known ~~whether~~ how this land is mentioned herein.

As regards Khazi Saheb Ali, attention is invited to Colm 15 of the inam register wherein it is mentioned that at the time of the inam settlement of 1874, the Managers of the

NOTE—Contn sheet.

Serial No.

(No 187) Dy 7.2.21)

D

Inam & Khazi Saheb Ali; and according to the pets. allegation, the latter's daughter sold it to his brother's grand-son (who is now dead). It does not therefore seem that this land has passed out of the Inam. The Inam Supdt. on a reference from the Dy. Commr. has stated that if the land is in the possession of the Inamdar, the Khalsat assessment will have to be remitted, and the land treated as Inam for the Inamdar, and adds that as the Quit-rent register was prepared prior to 1902, this land does not find a place in it.

Inam G.O. No. R. 2973-83 Dy 9th January 1902 relating to the remission of Khalsat assessment, it is seen that on 11th June 1895, Govt. directed the postponement of the collection of assessment on Khalsat lands (the sale of the land in question was in 1897 according to the pets. statement),

R. S. III-21

General and Revenue Secretariat. | File No. 372 of 1921

Serial No.

and in the order of 1902, the increased assessment in the shape of khalsai was remitted, the land being treated as part and parcel of the original grant. In para 4 of the order, the Dy. Commissioners were requested to send up accurate statements of such lands, and it is not known whether this matter was brought to the notice of such. It is also reported that this land is being enjoyed on payment of Jodi.

4/I.

10) The Dy. Comr. recommends that considering the possession and enjoyment of the family for a long time, the land may be leased out permanently to the present holder on payment of Nandaya to the Sarkar.

Submitted for orders.

10.2.22. 10/2/22

12) Let the case work[illegible]

10/2/22 Submit in person. 10/2/22

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 372 of 1921

Serial No.

Sr 5

Jamadar in Khokhar called the Burgan Shah Inamdhan had been granted certain Inam. At the Inam Settlement Conducted in 1874 it was found that his muskhibiri was in enjoyment of land but what it was entitled to sent also of some addl land in Khas. The former (consisting of S.No 417 and 49) was confirmed as Inam, while the latter viz S.No 134 was treated as Khas and subjected to the payment of Khalsat. But under G.O. R 2973-83 dated 9 January 1902 ~~S.No 134 should therefore be~~ the Khalsat assessment due on such Khas land as are actually in the enjoyment of temples should be written off the accounts and its levy foregone thereafter and the Khas lands themselves should be treated as part and parcel of the original grant.

At the time of the Inam Settlement in 1874, the Inamdar was in the enjoyment of Saheb alli the manager of the Muskhibiri - subsequent to his death

NOTE—Contn. sheet.

G. R. S. [III-2]

General and Revenue Secretariat.

Mms. File No. 372 of 1921

Serial No.

daughter Fata Humayun Begum seeking to have sold S. no 134 to Habibulla, son of her paternal uncles Sir Khaji Syed Ahmed - and the patta of the land also appears to have been transferred to the name of Habibulla -

Syed Ahmed contends that he made the purchase in the name of his son Habibulla who is now dead and says that the patta may be transferred to his name from that of his son.

The D. C. recommends that the land may be leased permanently to Syed Ahmed on the condition that he should pay the Kandayam to the Mokhasa in consideration of the fact that it has been in the possession of his family for a long time.

As Syed Ahmed was in possession as Manager in 1874, the presumption is that after his death his

NOTE.—Contn. sheet.

Serial No.

legal representative and the persons who claim through her were also in Sunlan possession. Such ~~the~~ possession for long so long will not be adverse to the Maharajah. Consequently the Maharajah must be deemed to have been in possession on 9 January 1902. Even though Gobindlal Jagjiwan have obtained a sale deed from Tata Kunwarba Belsen in 1897 ~~Gobindlal~~ the land must be treated as Sunlan Inam. In this view, the patta of the land must be transferred in the name of the Maharajah and the proposed permanent lease cannot be sanctioned for it is forbidden by the Nyaya. The lease must be regulated by G.R. 2594-602-Mug 3661/18-2 dated 25 January 1904 (Page 37, Second Supplement to the Muzrai Manual.

R. S. III-21

General and Revenue Secretariat.

File No. 372 of 1921.

Serial No.

Opinion about the View proposed in para 17 Cuttack. This file will be forwarded to the Govt Advocate with compliments

14/2/22

Govt Advocate)

No Rev 32/1921-R dt 14.2.22

The property in question is trust property and there cannot be any question of the bar of time for suits for following such property in the hands of the legal representatives or assigns of trustees, under section 10 of the Limitation Regulation. The only exception to this rule is that of an assign for valuable consideration, but even in such a case the purchase must be in good ~~faith~~ faith and without notice of the trust. But here the vendor and purchaser are both members of the same family, who were evidently aware of the fact that they were dealing with trust property.

~~Apart from the question of~~

NOTE—Contn. sheet.

14/2/22

14/2/22

W Chamberlain Offg
Govt Adv

G. R. S. III-2]

General and Revenue Secretariat.

File No. 372 of 19

Serial No.

4844-50
16.2.22.

(Secret Member) 14/2/22

[redacted] legal opinion [redacted] is in [redacted] favour of the Meerut treaty view. Which I also share. Action both therefore be taken on the lines indicated in the Meerut treaty Note

Secy
17.2.22

Secy. to write a D.O. under.

AH
20.2.22.

Re-D.O. Secy.

MM
22.2.22.

25/2/22

(Secret Member) 25/2/22

I am approved

Secy
25.2.22

45-50-216
27.2.22

NOTE—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat.

mwz File No. 372 of 1921

Serial No.	
4	To The Dy: Comm^r, Bangalore District " Complaint to Government " Inam Supdt: in Mysore " Muzrai Supdt: in Mysore no: 4803-6 dt 4th Mar 22. Orders that the case of S.no 134 of Hoskote endorsed to Budan Sha Makan Shaheb be disposed of as laid down in G.O. no: 2594-602/ mwz 366-18-2 dt 25.2.4 On the subject

NOTE—Contn. sheet.

Office of the Deputy Commissioner,

Bangalore District,

Dated Bangalore, 24th November 1921.

Rs 1400/-
16-17 Accts

From

A.K.Syed Taj Pecran, Esq., B.A.,

Offg: Deputy Commissioner,

Bangalore District.

GEN & REV
28 NOV 1921

2125
M 22
Dmn
372-M
1

To

T.E.Jayarama Iyer, Esq., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Agrai Department.

Sir,

In submitting herewith the correspondence ending with Hoskote Amildar's report no.88 dated the 13th August 1921 re the removal of survey No.134 of Kasaba village, Kasaba Hobli, Hoskote Talu , from the Devadayam Inam tenure, I have the honor to state as follows:-

2. Survey No.134(garden) measuring 2 acres - 20 guntas and assessed at Rs.12/- is a Devadayam inam land endowed to the Ujan-sha- aldan at Hoskote in the Hoskote Taluk, as per Phalasi register received from the Survey Department. The land is now in the possession and enjoyment of one M.Syed Ahmed.

3. It is understood from Syed Ahmed's version that the land was originally in the enjoyment of his paternal uncle and that on the latter's death, it passed on to his daughter Fatamunnisa Begum, from whom Syed Ahmed purchased it in the name of his eldest son for Rs.200/- in 1897. It is also learnt that on the death of his eldest son, Syed Ahmed put in an application for the change of khata and the application is still pending in the Taluk office.

4. The Inam Superintendent, writes in his Yadi No.137 dated the 13th February 1917, that it is a Devadayam Inam land.

5. It is not understood how the land came to the possession of Syed Ahmed's uncle. But considering that it has been in the possession and

From The Deputy Commissioner Bangalore

To The Secretary to the Government Mysore, Mysore Department

Dated

Despatched 26-2-1917

Received

General No. P. 1600

No. 1916-17

Enclosure No 1 Petn

Submitted a petition for removal of Survey No. 134 of Kasaba Village Hoskote Taluk from the Devadagam Reserve Forest for orders.

and enjoyment of the family for a long time. I request that sanction of Government may be obtained to lease the land permanently to the present holder on payment of the Kandayam to the Lakkan.

I have the honor to be,

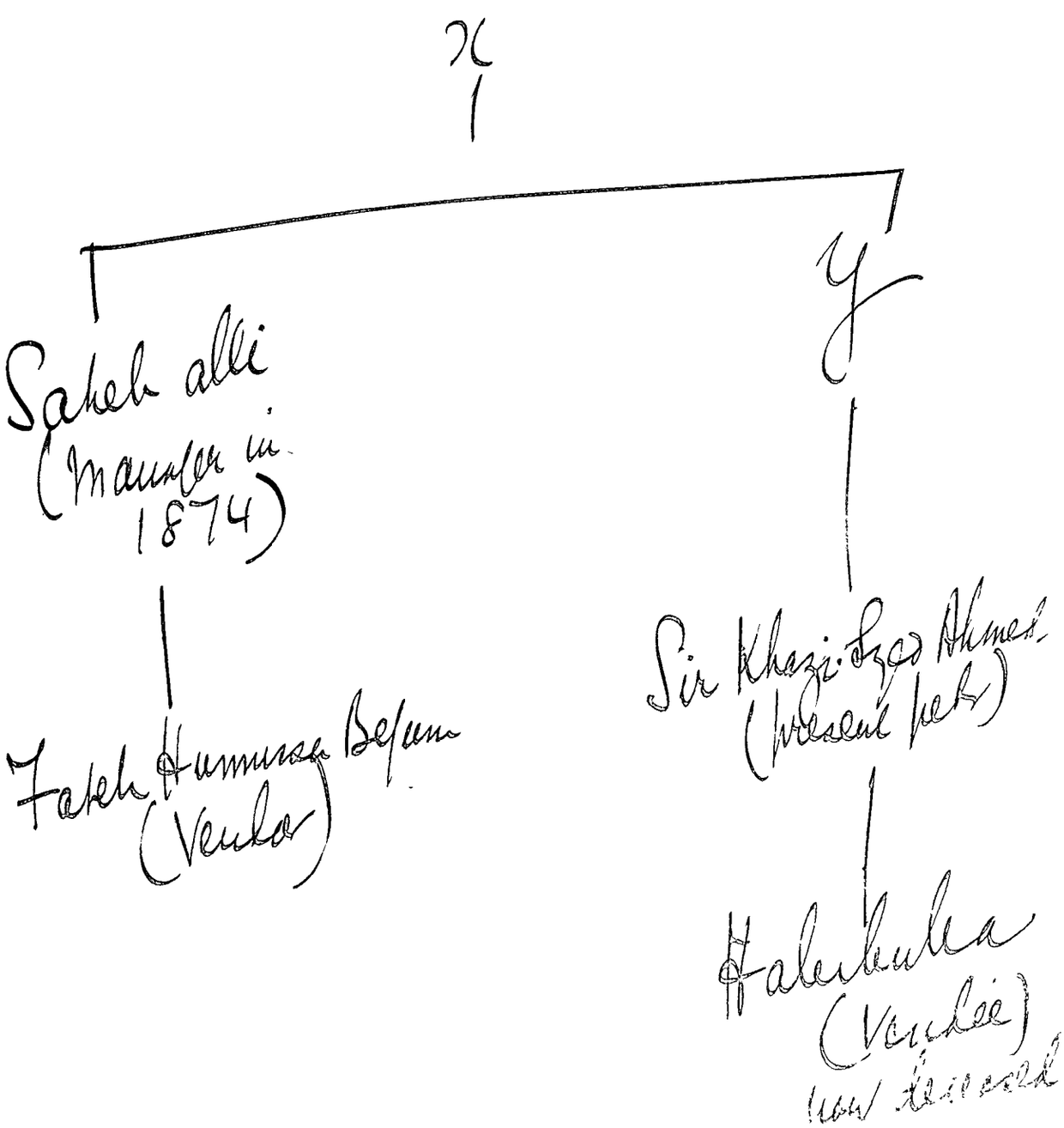
Sir,

Your most obedient servant,

G M Shamanna

To Offg: Deputy Commissioner,
Bangalore District.

f. no 124


X
Y
Saheb alli
(Married in 1874)
Sir Khaja Syed Ahmed
(present heir)
Habibulla
(Vendee)

Mun 372-21-2

GPB—1,000—3-7 14

15

191

From T. E. Jayaramaiyer
~~G. ARAVAMUDU IYENGAR~~, ESQ.,
Asst. B.A., B.L.,
MUZRAI ~~SUPERINTENDENT IN~~ MYSORE.

To The Inam Superintendent in Mysore

Dated

Despatched 23-1-[illegible]

Received

No. 3321

Enclosure.

Sir,

I am directed to request that an extract from the Inam Register pertaining to the grant of S. No. 134 (Sanad) ~~Inam (Sanad)~~ to the Budan-Sha-Makkan at Hockale in the Hockale Taluk ~~for~~ reference in connection with the conversion of Devarayya S. No. 134 into Kandaya

meaning rate of assessment assessed at Rs 12 on Devarayya in use

Issued 26/12/1922.

No. 193 8/2/22

From Asst. A.V.

Office of the Superintendent,
Mysore Revenue Survey,
Dated, Bangalore 8th February 22.

18

3218

D.K. Darashah, Esq., B.A.,

Superintendent of Revenue Survey and
Inam Settlements in Mysore.

To

T.E. Jayarama Iyer, Esq., B.A. B.L.,

Secretary to the Governmen of H.H.
the Maharaja of Mysore,

Muzrai Department.

Sir,

With reference to your letter No.3831/Muz.372-21-2 dated 23rd January 22, I have the honor to forward herewith a copy of the Inam Register pertaining to the grant of Inam lands to the Budan Shah Makan at Hoskote.

I have the honor to be,

Sir,

Your most obedient servant,

Superintendent.

19

Register Sheet No: 16

Hoskote Village

Hoskote Taluk.

Register of Inams in the village of Horkote

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No. and name of field or fields comprised in the grant. Dry, wet or garden	Extent: Local measure. Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Extent: Measure in acres and their fractions in decimals
1	2	3	4	5
		Jari account 1808.		
26	Devadaya	Dry No 417	K K P 0-2-0	
		49	0-1-8	
			0-3-8	
		Pymaish reg 1805		
		Dry	0-10-4	

Sammat of Hosakote in the Taluk of Hosakote

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam.	
Where no survey has been made and no assessment fixed by Government, the cess paid by the rayats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7		If for service, it is to be stated whether the service is continued. If for tanks, buildings, &c., whether they are efficiently kept up Hereditary or for life	Whether free of tax, &c., or liable to quit-rent, i. e., jodi, &c., amount of latter to be entered
6		8	
P. 7 V 1-2-0 = 3-7-10	—	For the Support of the Makkan which is Stand to be in good order — ande Anti's acctt of 1872	—

By whom granted, and in what year	Written instruments in support of the claim, original sunnad, all miscellaneous documents, and other proofs of long possession In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, &c., and the general specification of terms of all documents produced should be given
10	11

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poonmah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
—	Jari account 1800 Khaja Bundar Shah K C P Dry 0-3-8 Beriz Pags 1-2-0 Pymaish 1805. Khaja Nazar Hussain C C.P. Dry 0-10-4	Jari account 1831 Kazi Bundar Shah's Kabarastan K C P Dry 0-3-8 Beriz Pugs 1-2-0 Deduct increase of Candayam 0-6-0 Balance Jari P 0-6-0 Pymaish by 1859 Nazir Hussain Dry No. 417 0-6-14½ 49 0-3-10½ 0-10-4

of the

OF SUBSEQUENT AND PRESENT HOLDERS

Particulars regarding present owner. If the inam has been subdivided, the name, &c., of each sharer should be entered in the columns			
Residence, name and age, &c	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Hosakote. Kazi Burhan Shah's Kabaras-tan or Makan Manager Khaji Sabaib Alli possess the Inam	–	–	–

Division

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation	Review by the Special Assistant and confirmation by the Inam Commissioner
19	20
To be confirmed free of tax. (Sd) C. Sitaramaiah Assistant 7.3.73	1. Lapse proposed 2. Taxed 3. Confirmed free (Sd) T. Purushotham Deputy Superintendent of Inams 1.5.74

SUBJECT.....

Diary No. replied to 3218

Section

File No. 372

Serial No. 1921

General and ... Secretariat

Proceedings of the Government of His Highness the Maharaja of Mysore. 4

the 191

Read—

Letter no. P 1400 Dy 26th Nov 1921 from the Dy. Commr, Bangalore Dist, recommending for reasons stated, the leasing out permanently to Syed Ahmed, Jaigirdar Sno. 134 enclosed of Budan Shahkar at Hoskote, the Order Thereon—No. Kandayam being payable to the said

Letter no 173 Dy 8 Feby 1922 from the Superintendent of Ceremonies

Date of issue.. 4 : 3 : 22

Signed by [illegible]

May this be

i Printed ? Yes

treated as a standing order ?

published in the Gazette, English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Mysore submitting a copy
of the inam register per-
taining to the inam lands
of the said Mahasan.

Order Thereon No. 4803 - 6 Enc. as above
Dated 372-21-4
24-3-22

The Mahasan in Hoskote
Called the Budan Sha Mahasan
is a Mutt Institution which
has been granted certain
inam. At the inam settlement
conducted in 1874, it was
found that this institution
was in the enjoyment of not
only what it was entitled
to, but also of some
additional land in excess.
The Jodikere (consisting
of old dry nos. 417 and 419
corresponding to S. no. 316)
was confirmed as inam,
while the latter, viz.,
S. no. 134 was treated
as excess, and subjected
to the payment of Kattai.

List of enclosures.

Copied by

Examined by

WD 1744—GPB —30,000—17-3-19

G R S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

But under G.O. no. R. 2973-83 Dy 9th Janry. 1902 the Kalsat assessment due on such excess lands as were actually in the enjoyment of ~~Rahimbee~~ has ordered the ~~should be~~ written off the accounts and its levy foregone thereafter, ~~but~~ the excess lands themselves ~~should be~~ treated as part and parcel of the original Grant.

2. At the time of the Inam Settlement in 187 the inam was in the enjoyment of Saheb ~~the~~ Managers of the instn. Subsequent to his death, his daughter Fata Hunnisa Begum seems to have sold S. no. 134 & Haire

Son of her paternal
uncle's son And the patta
of the land also appears
to have been transferred
to the name of Habebulla.
3. Syed Ahmed contends
that he made the
purchase in the name
of his son Habibulla
who is now dead, and
prays that the patta
may be transferred to his
name from that of his
son.
4 The Dy. Coll. recommends
that the land may be
leased permanently
to Syed Ahmed on the
condition that he should
pay the Kandayam
to the Varaan in Consider-
ation of the fact that
it has been in the possession
of his family for a long time

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

The Inam Supdt is of Opinion that if the land in question is in the possession of the makan, it may be continued as inam to the instn

5. Syed Ahmed was in possession on behalf of the makan in 1874 and since then either he or some other members of his family has been in possession and such possession must be deemed to have been on behalf of the institution.

There can be no doubt therefore that the makan was in possession of the land as on 1st January 1902 even though Habibulla might have obtained a Sale deed from Fatima Khanisa Begum in 1897. These lands which are clearly Devadaya will be Enquired

WD 2230—GPB—1,00,000—23 7 20

from the Khate of Habibulla & that of the Makan. The permanent lease of these lands proposed by the Dy. Cmr is forbidden by the Rules and cannot be sanctioned. The lease of the land must be regulated by Govt Proceedings No. 2594-602/ Mug. 366-18-2 Dy 25th Feby. 1919. on the Subject.

The Dy. Cmr is requested to submit a suitable scale of expenditure for Pakka Katcha, wells etc. in the Makan, after ascertaining the exact extent from the Khan lands S. nos. 316 and 134 in question.

28/2/20

Re-087

25/2/20

Mug. Secretary.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To Bangalore
The Dy. Com^r, [illegible]
Dist^t, rep^g. the evels.
" Comptr
" Forest Supdt, Mysore
" Mng. Engr in Mysore

WD 2230—GPB—1,00,000—23-7-20